



General Assembly

February Session, 2006

Raised Bill No. 5271

LCO No. 1531

01531_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING BIOMASS GASIFICATION PLANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-208x of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) As used in this section and section 22a-208y, (1) "construction
4 and demolition waste" means waste building materials and packaging
5 resulting from construction, remodeling, repair and demolition
6 operations on houses, commercial buildings and other structures,
7 excluding asbestos, clean fill, as defined in regulations adopted under
8 section 22a-209, or solid waste containing greater than de minimis
9 quantities, as determined by the Commissioner of Environmental
10 Protection, of (A) radioactive material regulated pursuant to section
11 22a-148, (B) hazardous waste as defined in section 22a-115, and (C)
12 liquid and semiliquid materials, including, but not limited to,
13 adhesives, paints, coatings, sealants, preservatives, strippers, cleaning
14 agents, oils and tars; and (2) "processed construction and demolition
15 wood" means the wood portion of construction and demolition waste
16 which has been sorted to remove plastics, plaster, gypsum wallboard,
17 asbestos, asphalt shingles, regulated wood fuel as defined in section

18 22a-209a and wood which contains creosote or to which pesticides
19 have been applied or which contains substances defined as hazardous
20 waste under section 22a-115.

21 (b) Construction and demolition waste which does not constitute
22 processed construction and demolition wood may be disposed of at (1)
23 any solid waste disposal area for which a permit has been issued for
24 the disposal of bulky waste, or (2) a municipal solid waste landfill.
25 Processed construction and demolition wood may be disposed of at a
26 biomass gasification plant that qualifies as a Class I renewable energy
27 source, as defined in section 16-1 of the 2006 supplement to the general
28 statutes, a resources recovery facility in accordance with section 22a-
29 208y or at a permitted municipal solid waste landfill or any solid waste
30 disposal area for which a permit has been issued for the disposal of
31 bulky waste.

32 (c) Construction or demolition wood generated at a residence, other
33 than wood that has been pressure-treated or that otherwise contains
34 arsenic, furniture, mattresses and rugs or any such waste which has
35 been crushed, chopped, shredded or otherwise processed shall be
36 considered municipal solid waste and may be disposed of at any solid
37 waste disposal area for which a solid waste permit has been issued for
38 the disposal of bulky waste, a biomass gasification plant that qualifies
39 as a Class I renewable energy source, as defined in section 16-1 of the
40 2006 supplement to the general statutes, or at a resources recovery
41 facility or municipal solid waste landfill.

42 Sec. 2. Section 22a-209a of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2006*):

44 (a) As used in this section:

45 (1) "Recycled wood" means any wood or wood fuel which is derived
46 from such products or processes as pallets, skids, spools, packaging
47 materials, bulky wood waste or scraps from newly built wood
48 products, provided such wood is not treated wood;

49 (2) "Treated wood" means wood which contains an adhesive, paint,
50 stain, fire retardant, pesticide or preservative;

51 (3) "Processed wood" means recycled wood or treated wood or any
52 combination thereof which has been processed at a volume reduction
53 facility permitted under this chapter;

54 (4) "Regulated wood fuel" means processed wood from construction
55 and demolition activities which has been sorted to remove plastics,
56 plaster, gypsum wallboard, asbestos, asphalt shingles and wood which
57 contains creosote or to which pesticides have been applied or which
58 contains substances defined as hazardous under section 22a-115;

59 (5) "Combustible" means the heat-producing constituents of a fuel;

60 (6) "Combustion" means the rapid chemical combination of oxygen
61 with the combustible element of a fuel resulting in the production of
62 heat;

63 (7) "Fuel" means a substance containing combustibles used for
64 producing heat, light, power or energy;

65 (8) "Regulated wood fuel merchant" means any person who offers
66 for sale or sells, transfers, or provides in retail or wholesale trade,
67 regulated wood fuel, including agents, brokers, wholesalers,
68 distributors or producers who sell regulated fuel;

69 (9) "Regulated wood fuel user" means a biomass gasification plant
70 or a resources recovery facility, as defined in section 22a-207, that
71 stores or utilizes regulated wood fuel for the purpose of creating by
72 combustion heat, light, power or energy and combusts in excess of one
73 hundred million BTUs per hour; and

74 (10) "Biomass gasification plant" means a biomass gasification plant
75 that qualifies as a Class I renewable energy source, as defined in
76 section 16-1 of the 2006 supplement to the general statutes.

77 (b) Notwithstanding the provisions of this chapter, processed wood
78 is not a solid waste provided: (1) Such wood is received for use at a
79 biomass gasification plant or a resource recovery facility as a regulated
80 wood fuel; (2) such wood is used for land application in accordance
81 with standards for such use adopted by the Commissioner of
82 Environmental Protection in accordance with chapter 54; or (3) such
83 wood is used for building products or other uses in accordance with
84 any applicable state or federal standards.

85 (c) No person other than a regulated wood fuel user shall use or
86 burn regulated wood fuel. No regulated wood fuel user shall use or
87 burn (1) regulated wood fuel which contains nonwood material, other
88 than dirt or metal fasteners, unless such material comprises less than
89 one per cent, by dry weight, of such regulated wood fuel or (2) any
90 such fuel which contains more than fifteen one-hundredths of one per
91 cent, by dry weight, total chlorine. Any sampling or analysis to
92 determine the percentage of total chlorine or the amount of nonwood
93 material shall be provided for by the regulated wood fuel merchant
94 and shall be certified by such merchant as having met any standards or
95 methodologies for such sampling or analysis approved or required by
96 the commissioner. Notwithstanding any other provisions of this
97 section, any person who exclusively burns wood, other than regulated
98 wood fuel, as a fuel shall comply with the regulations adopted under
99 section 22a-174 for stationary sources of air pollution.

100 (d) No regulated wood fuel merchant shall store, offer for sale, sell,
101 make available, deliver for use or exchange in trade for use in this state
102 (1) regulated wood fuel which contains nonwood material, other than
103 dirt or metal fasteners, unless such material comprises less than one
104 per cent, by dry weight, of such regulated wood fuel, or (2) any such
105 fuel which contains more than fifteen one-hundredths of one per cent,
106 by dry weight, total chlorine.

107 (e) Any person who sells regulated wood fuel for use in this state or
108 who uses such fuel in this state shall maintain records of all sales or

109 use of such fuel which contains nonwood materials and such records
110 shall be made available for inspection by the commissioner, or his
111 designee, during regular business hours. Such records shall be
112 maintained for at least three years.

113 (f) Nothing in this section shall prohibit a biomass gasification plant
114 or a resources recovery [facilities] facility from accepting, processing
115 and combusting wood that is not hazardous waste or is not otherwise
116 prohibited by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	22a-208x
Sec. 2	October 1, 2006	22a-209a

Statement of Purpose:

To revise the general statutes to allow for certain construction and demolition waste to be disposed of at a biomass gasification plant, in light of a recent Department of Public Utility Control decision that the burning of construction and demolition waste at certain biomass gasification plants qualifies said plants as Class I renewable energy sources.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]